

Stormwater Steering Committee

July 19, 2007

Attendees: Steven Pedersen, Don Jakes, Anne Gelbmann, Brian Livingston, Cindi Kahrman, Jay Riggs, Roger Karn, Joel Schilling, Erik Silvola, Judy Sventek, Cliff Aichinger, Randy Neprash, Renee Pardello, Mike Findorff, Jason Moeckel, Milt Thomas, Lisa Frenette, Greg Wilson, Andrea Hendrickson, Gary Obertz, John Chapman, John Bilotta, Karen Harder, Shane Missaghi, Jack Frost.

Welcome/Chair Report: Steve Pedersen outlined the addenda for the meeting and introduced the “World Café” conversation process that will take place for the last 1 1/2 hours of the scheduled committee meeting time. He then asked everyone in attendance to introduce themselves to the group, name the organization they represented and their part and purpose for being part of the Stormwater Steering Committee.

Trees and Stormwater Management - Randy Neprash: Last month the Tree Trust and Bonestoo worked together to hold a workshop on trees and their role in stormwater management. A guideline is being developed on city trees; how to sustain them and how they fit into a city’s infrastructure and planning. The benefit of trees in urban and suburban settings was also discussed as well as how trees can be integrated into stormwater management. The final product should be available on this month and will be posted to the SSC website. The group has had conversations with higher level US Forest Service representatives about the project.

NPDES Construction Stormwater Compliance Work Group – Jay Riggs: The group is studying non-compliance issues with the NPDES permit. The group has studied the scope of the problem, causes of compliance, and will make recommendations to increase compliance. A final report will be presented to the SSC in September. The group has developed a list of twelve well developed major causes of non-compliance:

Compliance Issues	Inspection issues
Education issues	SWPPP issues
Cost issues	Regulatory issues
Enforcement issues`	Data issues
Complexity issues	Bidding issues
Standards issues	Responsibility issues

PCA Related Issues:

- Need for development plan for staff allocations, program priorities, and better interagency coordination.
- More incentives for doing right thing
- Positive trend toward openness, away from command and control
- Mandatory programs balanced with education and assistance and resource allocation
- Develop systems that result in strong performance
- Want PCA involved in education, outreach, and maybe cert.
- PCA needs unifying theme to inspire and motivate: stormwater

Interactions:

- Interaction between PCA and LUGs: re: enforcement – need outcome focus
- PCA better now at communication, stepping out of silos, \$, manual, keeping things going
- Need consistent yet flexible guidelines, models (for LGUs)
- Integration Re: Research program duplication
- Resources are key, and where directed
- Delegate to save resources
- PCA needs more face time; individual staff needs constancy, experience, etc.
- Collaboration, strategy on research
- Overlapping responsibilities, data, monitoring

Education Work Group – John Chapman: The group will be meeting on 7/24 to focus on getting the educational needs assessment project wrapped up. Several educational tours are coming up in the near future.

LID Work Group – Cliff Aichinger: The group met last month to review their work plan and fiscal budget. They have had discussions with the U of M on how to address barriers and how to better work together. The budget has now been approved, so at the next meeting they will forge ahead in planning. MPCA staff organized a LID tour with PCA directors, the city of Hanover officials, and the PCA deputy commissioner. All agreed that the tour was a worthwhile educational tool.

Manual Work Group – Judy Sventek: The final version of the manual is in its last revisions and will be put on the SSC website with all of the changes and proposed changes in the near future. The group will meet again the second week of August and will present the manual to the SSC meeting in September

Monitoring/Research Work Group – Brian Livingston for Bruce Wilson: The group has received funding for UM monitoring, funding pending for PAH monitoring with Wisconsin and Low Impact Design runoff studies. A full committee report is attached. Steve indicated he would like to broad picture of this research presented and discussed at the next SSC. Steve asked Don to ask that Bruce to meet with Anne in order to update the minutes as to the activities of the group for the SSC website. The updated information submitted on 7/27 by Bruce is as follows:

July, 2007

Stormwater Monitoring and Research/Development Committee Report (B.Wilson, S. Klein)

The committee will have at least three primary work efforts over the next six months to accomplish:

1. Building partnership monitoring efforts;
2. Developing a pilot BMP tracking effort (voluntary for info/education, performance database);
3. Advancing state-of-the-art monitoring via contracts with UM and other sources.

Along the way, it is hoped that a statewide research council, with dedicated funding, will evolve to prioritize the many challenges and needs of stormwater management.

Update: Work Advanced since March, 2007 Research Underway or Pending

1. **Well attended Urban Forestry Workshop** (Randy Neprash (Bonestroo) and Jeanette Monear (Tree Trust) – funded by the MPCA) held late June to explore uses for stormwater treatment. Follow-up partnership work is underway with local, state and federal partners. Goal is to develop standard design criteria along with credits over the next 12 months.
2. **Vermillion River Thermal Management Project.** The watershed of this trout stream is undergoing rapid development. Considerable MPCA/UM monitoring and modeling efforts to aid Dakota and Scott Counties including new flow station installed by MPCA, 10 new temperature data loggers. Project scope is considerable and is probably the national state-of-the-art in thermal trading, monitoring and modeling.
3. **Thermal runoff model (Minuet)** developed for new development evaluations. Final model adjustments and training will be held over the next 6-12 months.
4. **Updating of the statewide rainfall intensity** statistics for improved stormwater designs. Andrea Hendrickson has been working with adjacent states and NOAA to get initiated soon.
6. **Characterizing stormwater sediment particle sizes.** Very little, if any, data exists from Minnesota. Yet this data is essential for improving stormwater treatment designs. Partnering with LRRB and Metropolitan Council for work, underway by UM.
7. **New : automated monitoring systems** with micro-sized technologies (UM-SAFL's Dr. Miki Hondzo) being used by Minnehaha Creek and Capitol Region Watershed Districts.
8. **Winter runoff monitoring:** very few winter data exist. Coordination efforts with potential partners starting.
9. **Driveway sealer coal tar study** with Wisconsin was not funded in July, but we are hopeful for an August contract being developed.
10. **The urban runoff model P8**, has been upgraded for street sweeping (latest studies incorporated), GIS interface to populate the model, improved small storm hydrology, and hopefully will include proprietary devices. Work funded by the MPCA. Beta versions will be available shortly for testing.
11. **Low impact design monitoring** was not funded in June, but we are hopeful for another change in August. Work plans will have to be scoped rapidly for contracting at that time.
Bruce Wilson recently completed a temporary duty assignment and is back to his stormwater assignments full-time.

Nondegradation Permit Status – Joel Schilling: A draft report from Tetra Tech consulting firm will be out soon. Once that is out it will provide SSC and others with the updates on the permit status. Randy informed the group that, at the MPCA Board meeting this month, the MPCA will be presenting a 68 page document on nondegradation.

Industrial Work Group – Cindi Kahrmann and Erik Silvola: The group has been meeting twice a month since November and has developed a long list of issues and ranked them. The top 3 issues are:

- Monitoring (water)
- Nondegradation issues
- Impaired Waters issues

The group has developed a draft work plan for these areas. The rest of the summer will focus on prioritizing and testing, with one or two groups, using the outreach materials in order to get feedback to refine the permit. The hope is to have the permit ready to go on public notice at the beginning of 2008 and with issuance in 2008 also. Erik has presented some of the drafts ideas of

the permit to the Chamber of Commerce. A lot of education and outreach will be needed to get everyone on board with the new permit. The potential number of permittees could reach 15 to 20 thousand. Right now there are about 1,200.

Cindi introduced Zach Chamberlain, the new compliance and enforcement staff person. Roger stated that the quality of the application for permit is the “driver” of the speed of the response. Applications must have clarity and ease of completion.

Watershed Based Approach Work Group – Gary Obertz: Doug Thomas is leaving BWSR and a replacement has not been found as of yet. Cliff will remain on the committee. Coon Creek WSD and Ramsey/Washington WSD make up the two WSDs in the pilot project. The group’s next meeting is August 21st and they will be looking at the whole MS4 project, rules, regulations, etc. They have found no large roadblocks. The draft could come in September or October and hopes are to finish up by the end of the year.

At this point the meeting turned toward the agenda for the rest of the day – the World Café discussion groups. Steve explained that this would be a facilitated discussion dealing with the Roadmap. Jason explained the process as to how the groups would operate. Randy discussed the journey of the Roadmap thus far. He explained the purpose for the discussion groups; to identify and provide support for the MPCA programs and budgets and to support the relationships between the MPCA and the local government units.

Break

Discussion groups were formed and the three questions for discussion were presented. The following is a summary of the answers to the discussion questions that were recorded by each group.

Question 1: What are the issues and programs of concern within the purview of the MPCA.

- Clear standards
- Cut and paste from construction workgroup (prioritized list)
- Permitting big, need ed. to know what need to do
- Prelicense through DOLI needs incorporate ed on S.W. issues
- Innovative enforcement, process to “get points removed from your record”
- PCA staff shift between prog and don’t have expertise, perception externally (LID staff)
- Lack of integration/coordination (nondeg/permit etc) and with other sister agencies/programs.
- Stuff on list good, agree
- PCA staff problems, not coordinated, concise, confusing for external
- To many silos, need bigger groupings S.W. staff don’t understand big picture (for example local water plans)
- Agree need more integration of prog.
- Ed/train. (broad) needs to come from PCA: internal and external
- Disagree – seems impossible, don’t meet with homeowner, more role of local gov’t
- Can give \$ down in order to do
- ID roles for diff agencies/local gov’t

- PCA should set standards and send down to local government
- No, need more integration of programs
- Need one overall, statewide std., not contradictory locals
- Lack of specific guidance in small MS4 permit (ed to vague)
- Research, maintain this
- Manual not referred to in permits
- New “blue book”
- Permitting is a mandatory PCA commitment
- Assistance to permittees with permit process and obtaining permits
- PCA’s traditional role has been permitting, compliance and enforcement
- Inspection, enforcement challenges exist, re: staffing so may need more creative approaches
- The MS4s have interest in participating in C + E.
- Certification (erosion and sediment control) may help to address the C + E challenge
- Specifically PCA should have a role in certification
- Will always need both C + E and other approaches
- PCA needs a central unifying theme for stormwater program to inspire others
- PCA needs a central unifying theme for the water program as a whole
- Central unifying theme also applies to aspects of the water program and work groups
- The workgroups in SSC frame the issues and interests for stormwater (could be other issues also)
- Staffing issues are a concern, resources as a broader category
- Creative approaches also needed – e.g. ISW workgroup members help with outreach
- Incentives for environmental performance
- PCA responds to issues well – quickly but with resource limits evident
- TMDL – Wetlands – issues and program inter connections
- Industrial dischargers: need consistency in handling these issues
- Education, outreach programs and consistent, well coordinated messages, certification, licensure: MPCA?
- Use, management of data generated for MPCA
- Regulated parties want technical assistance (CSW – in field assistance vs. enforcement, carrot vs. stick)
- Stakeholder process working very well (notably ISW workgroup)
- Partnership programs – expand delegation of state responsibilities
- Industry likes recognition of strong performance, but also more flexibility and reduced requirements, want systems of checks and balances – do-act-check-continuous improvement
- Outside MPCA: Ability to enforce using more streamlined tools than APOs, need legislative action.
- Certification, licensure – MPCA can’t inspect all/most of large numbers of permittees; should it be revocable (i.e., enforcement tool)
- Consistency vital – or about success rates, outcomes (eliminate/reduce failed systems)
- Manage resources where most effective
- Guidelines needed – how to get modeling, other

- Nondeg – where MPCA going – will if develop into more standards-based (actually guiding)
- How will these tie together – TMDL, nondeg, MS4, watershed management
- How will initiatives of SSC actually feed into MPCA permits (standards) e.g. Manual,
- What will I get by doing all that's required, or more, in so many areas – TMDL, MS4, CSW – how can I prove I've met std. Are we as regulated parties held to lowest common denominator – what drives better performance?
- Guidelines for response to permit and TMDL requirements – modeling – data
- Regulatory arena – resource concerns, staffing, timely review
- Research needs – inadequate support. Money, no coherent framework – chasing issues
- Intra agency coordination – TMKL program
- Good trends toward openness in programs/rules; less command and control approach (positive)
- MPCA should facilitate implementation – clarify state and local roles, responsibilities; construction site permit/MS4 permit
- Need to resolve inconsistent state and local approaches to rules enforcement and standards.
- State rules more performance based – less prescriptive
- Provide more incentives (\$, tech support....) for doing the right thing – avoid creation of problems. Credits for doing more than needed, pollutant trading process – set up with each TMDL
- PCA staff change a lot – never know who should work with
- As rules created/research done stay in tune with each other (work in tandem)
- Some programs ahead of others, MS4 moving faster than TMDL – silo's (no one knows what other division doing)
- Work group issues we have today
- Permitting all programs need help
- What is motivation to be in work group (very time consuming) need resources to support
- Not a lot of involvement by regulated stakeholders (need more stakeholder involvement)
- Need to look at resources to get work done.
- Work group reports do good job of representing users
- How does PCA respond to work needs/assessments?
- TMDL not connected to stormwater
- PCA work plans for staff allocation not part of process and change in staff
- PCA change staff allocation what seems like on a whim
- Need structure for PCA workgroups, (?word? placed red asterisk on top of ?1 page to find it) is shared with outsiders
- Need stormwater org. charts down to individual level, not just management
- More transparency in organization's missions, roles, work plan
- Getting better at setting input on what they do but still need to work on
- G16 worked, should have been agency integration/coordination council
- Coordination around Clean Water Legacy Act funding and other funding programs
- Permits – look at priorities of work group recommendations

- May have opportunity for input but when feed to larger group, they may not follow through with recommendations due to lack of historical knowledge
- Improve system of credits for full range of BMPs- quantified, fit multiple programs

Collective Main Points from Question 1:

Need for dev plan for staff allocation program priorities

Better interagency coordination

More incentives for doing right thing

Pos. trend toward openness away from command and control

Mandatory programs balanced with educ. and assistance and resource allocation.

PCA needs unifying theme to inspire, motivate: water, stormwater

Develop systems that result in strong performance

Want PCA involved in educ, outreach, and maybe certification.

Question 2: What are the issues and programs of concern regarding the interactions between the MPCA and other entities involved in stormwater management?

- Integrating regulatory authorities and standards with other agencies
- Enforcement: consistency between regulatory agencies
- Interaction of PCA and LGUs on enforce. – outcome-based, does water get better (some are only doing ed.)
- How do you know you're reaching stakeholders for input on new regulation
- Continue strive for collaborative efforts: (1) ed – good, (2) monitoring – improve, (3) research – difficult for U. to do “applied research” who's best to do, guide research to right entities.
- Hands tied (PCA) because don't regulate all, need realistic view
- Between agencies/LGUs: where responsibility begins/ends, coordination between.
- Long list for any agency, can't do all: what's niche, gaps
- OK with rules/regulationss
- Dilute with too much
- Agency makes up mind and not flex. (ex. const prog. – mistrust both ways)
- Construction workgroup address?
- Prob with 2 roles: ed/enforce
- Need to map out elements – link groups – trust problem
- PCA better at communicating and stepping out of silos: SSC, builds contacts (can call and know them), Manual, \$ to keep things going.
- Keep, increase interaction
- Role with the actual implementers – WDs etc MPCA too often not at important meetings e.g. at least one meeting/yr at all WD's – cover things that affect LGU priorities/activities and vice versa.
- Research integration – MPCA tend to bring things to their public as FYI, vs. with expectation, and info to support, actual input

- List of research going on would help-on Web -how the vast amount of research done by others: gets integrated, prioritized; gets connected with/reflected by MPCA
- Shallow urban lakes – how do you do a realistic TMDL implementation./restoration plan? and why focus resources on doing TMDLs for these, one after another
- TMDLs also receding standards and answers on what to do about the impairment
- Nondegradation: again don't have standards, classifications, plans on how to address the
- Interagency coordination – GIG concept went away too soon – good process, trust, seeing others perspective, good will – gone. Should be a forum/method so interagency to be consistent, transparent, and not ad hoc.
- MPCA has made much progress in interacting with stakeholders, vs. 5-10 years ago.
- Program duplication – Qualifying Local Programs needed to create single layer regulation
- MPCA foster interactions around the primary focus areas of MPCA – MPCA should not try to do too much
- MPCA establish flexible models for Local Governmental Units to carry out site mgmt. – base level of performance
- MPCA guidance needed not only on what an ordinance looks like, but how to use it and other tools.
- Conflicting/competing directions to regulated parties too often need GLs that offer
- Establish consistent but flexible guidelines and models overly prescriptive, likely to lead to unintended consequences (analogy to home energy use GLs that were implemented too rigidly).
- Organize a research forum to identify overlapping interests and how to work together, coordinate
- The above with governmental and nongovernmental. agencies
- Address overlap and areas where confusing, e.g. wetlands and many others. Also shore land management permitting
- Avoid duplication: Qualified local programs to avoid duplication, identify overlap in fees and grants
- Agency needs more work on quantified credits for BMP implementation – e.g. City tree canopy by 15%, how does it help to meet their goals in the MS4 SWPPP and their local programs
- PCA needs to be more present with the implementers – watershed organizations – to share what ideas and activities are occurring in the PCA and in other organizations.
- PCA staff are not in roles long enough to carry history, build relationships, share information
- Organizations outside the Agency need closure on projects and specific guidance and guidance for comparable results
- Share permit fees where responsibilities are shared
- Data flow across partner organizations should happen well
- Sharing data, among partners
- So much funding, so little coordination
- Program process, structures (e.g. permits) can't be at the expense of having eyes on the goal, improving water quality, environmental quality

- If the purpose of the interaction is only the permit, something is missing when working with multiple partners contributing efforts
- PCA needs, in interacting with partners: more face time; more history; more experience in the issue and more experience at working the issues
- Not enough resources available (based on legislature to some degree)
- Need to better coordinate MS4, TMDL, etc. with locals to get things done.
- Need statewide standard as a minimum
- Permit issue really most common interaction with people/Do you set what want with only that?
- Go back to mandates, do what mandated to do well
- DNR/MPCA attitudes very different. DNR more willing to work with permit holder. PCA command and control
- Should PCA regulate to designed program or make water better?
- They don't interact
- Attitude we'll do it our way especially in construction (no willingness to change)
- Even if wanted, limited by staff capacity
- Compartmentalization of stormwater issues/program responsibilities between agency causes problems
- Too many cooks enforcing different things
- Confusion over what enforcement is. Reality is don't inspect everyone
- PCA has been responsive to issues when faced with them
- Good at partnering/providing funding to partners
- What interactions exist – which are strong connections – which are weak – what should be developed
- Define PCA primary responsibility and priorities: What other organizations have similar responsibilities and priorities? Define relationship gaps.
- Communication concerns – methods – internal and external
- Program implementation processes – relay demands before clarifying responsibilities
- PCA downgrading authoritative role – diffusing roles – trying to serve too many needs – not focusing on strengths and mandates.
- Sharing data on funding/fees – better utilize to meet goals
- Collaboration on research (stormwater). No central strategy/ plan
- No statewide stormwater management std./goal
- Overlapping program responsibilities – little coordination between agencies and local governments, monitoring, data – state/federal/local
- Diverse enforcement tools – inconsistent approaches – coordinate and share effective approaches.
- Need to formalize state/local partnerships – centralized inspection/enforcement database – kill Delta.
- Need an agreed to unifying theme/mission
- Resources key and where they are directed
- Is there another structure could use do don't need as many resources? (delegate where can)

Collective Main Points from Question 2:

1. Interaction of PCA and LUG on enforcement need outcome ??word??on back of question 2 page, collected main points
2. PCA better now in communications, stepping out of silos, funding, manual, keeping things going
3. Need consistent, yet flexible guidelines, models
4. Integration of research needs, program duplication
5. Resources are ?word??(on back of question 2 page collected main points and where they are directed. Delegate to save resources.
6. Collaborate on research
7. PCA needs more face time – staff shifts around too much.
8. Overlapping – data collection/program responsibility

Question 3: What are the issues and programs of concern that are outside of the MPCA's direct involvement?

- Need organizational structure for stormwater program implementation throughout Minnesota
- Need capability for state agencies to engage in local/regional planning process/program.
- Not capturing information (SWPPP, permits) that we can use in establishing priorities/needs
- Programs/plans need to be working toward statewide objectives/goals
- Need link between local land use compliance , planning and environmental objectives (stormwater needs)
- Hypoxia issue
- TMDL across state boundaries
- Tribe land activities; nondeg, impaired waters
- Send more of our dirty water to others than we get
- How will climate change impact stormwater management?
- Agricultural nonpoint rural agricultural runoff
- Siting, location, zoning, aesthetics of stormwater BMPs
- Land use permitting
- Parks and recreation, green space within cities
- Tribal land e.g. new development as a model
- Environmental justice issues
- MS4 Phase 2 progress many mean PCA involvement is expansive (e.g. 12 years ago PCA was not in education and research)
- Watershed planning – too many stormwater type plans: SWPPPs, nondeg plans, local water plans, comp plan, watershed plans
- A lot of stormwater requirements by others, PCA not involved with. Different for each watershed, change all the time
- Different agencies have different design criteria. PCA not involved in standards of other agencies.
- Would like recommended design standards/rules
- Natural disasters, large rainfall events

- Agriculture
- U of M extension
- Other enforcement tools: aren't available now until legislature gives authority; using local tools
- Commercial/gas station outside I.S.W.
- Undev. 1 acre construction, especially in sensitive areas (shoreline)
- AG
- Wide variety of reg. from W.D.: some active, some not; diff. approaches for same prob. (are resources so diff. needing diff. approaches? – Manual address? stops short – problem is cutting edge and innovative, don't discourage, need to eventually consolidate (where possible))
- Wetlands – despite authority, MPCA was not present for long time, but has been in recent years. WQ stds not appropriate now for wetlands – one-size fits all – Narrative stds may help
- Groundwater – overall resource protection (vs. remediation of contamination) no direct involvement apparent except remediation of contamination.
- Growth demographics – building imperviousness unsustainability
- Land use authority – no direct MPCA involvement, but LGUs not prepared/equipped to make lot of the decisions affecting the **??commons??page 3 with a green asterick**
- What can PCA do in response to findings of satellite/impervious work – no statutory authority
- Climate change (affects stormwater) little can be done at state level
- Small token involvement in reviewing, guiding watershed (district) plans (should be more active and integrate with stormwater regulation/management)

Collective Main Points from Question 3:

1. PCA: No direct involvement in groundwater issues
2. A lot growth – imperv. – PCA doesn't have land use authority
3. Need for org'l structure for implem
4. State agencies need capability for partic. in local planning active.
5. Tribal Lands
6. Rural Agriculture run-off
7. AG
8. Statewide standards
9. Climate change

Final Summary Questions from Jason to the Group and the Resulting Comments:

1. How did you feel about this process?
2. Other things, questions you would like to address?
3. OPS Committee?

List of comments received:

1. How do we deal with possible gaps in our list of issues?
2. Do we need review of list for edification?
3. The information garnered was valuable
4. New input from groups outside what have worked together always bring a new perspective
5. Value of process – depends on how well our input is compiled and used.
6. In general it was an interesting activity with good intra-table dialog.
7. Process worked great!
8. Process was good today
9. Need to revisit the SSC/Design Team: Missions, Goals, etc.
10. Not entirely comfortable with where we go from here
11. Roadmap needs to make sure its not on the “Road to Abilene”
12. Valuable input was obtained
13. People spoke up, nary a dead spot in the conversation
14. This was a worthwhile process!!
15. This process is good for any committee that is at the PCA. However I think it would be good if this exercise was done at the start of a group.
16. Please keep the involvement up.
17. The process was very good and useful, thanks.
18. Review the mission/purpose or mandate of MPCA
19. I think the process for the day and opportunities for multiple discussions were useful for the day. I am curious about how this information will move towards a plan of action.
20. Activity was interesting, but I am not sure it gives a strategy for the next 10 years of stormwater.
21. Was this of value? No.
22. Does this help us towards developing the roadmap? No.
23. Does it help answer Lisa’s questions? Yes.
24. Seems to have worked
25. I’m already involved